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I hereby certify that this paper, and the papers and or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, Attention Examiner Katherine Davis.

Name: Franziska Reichstein

Signature [Signature]

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AUG 20 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

TECH CENTER 1600/29

Attorney Docket No. FCCC96-11

Applicant: Tsichlis

Serial No.: 09/202,549

Group Art Unit No.: 1636

Filed: October 12, 1999

Examiner: Davis K.

For: Nucleic Acid Molecule For Enhancing Gene Expression

Commissioner for Patents  
U.S. Patent and Trademark Office

**RESPONSE TO OFFICE COMMUNICATION OF JULY 16, 2002**

Sir:

This paper is being filed in response to the Office Communication dated July 16, 2002 (Paper No. 22).

This paper is believed timely filed on or before August 16, 2002. Should this paper not be considered timely filed, Applicant hereby requests a retroactive extension of time to file for the number of months required to maintain pendency of the Application. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 18-0586.

The Examiner required submission of the Corrections to Drawings noted in the Notice of the Draftsperson's Patent Drawing Review attached to the Paper No. 18. Applicant submits herewith all of the corrected figures/drawings indicated in the Notice of the Draftsperson's Patent Drawing Review along with a transmittal letter addressed to the Official Draftsperson. Applicant believes that the drawings submitted herewith fully comply with 37 CFR §1.84.

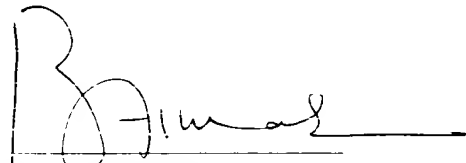
In the Office Communication, the Examiner also noted that "[t]he computer readable copy of the Sequence Listing filed with the Amendment of ... [April 15, 2002] has been

damaged" and required that the Applicant submit a Sequence Listing disk that is identical to the paper copy of the Sequence Listing already of record provided that the paper copy of the Sequence Listing contains SEQ ID NOS for the sequences listed in Table II.

In response, Applicant respectfully submits herewith the required Sequence Listing disk. Applicant hereby states that the Sequence Listing in the enclosed computer readable disk is identical to that in the paper copy filed by the Applicant on April 15, 2002. Further, Applicant submits that the paper copy of the Sequence Listing on file with the Office contains SEQ ID NOS for the sequences listed in Table II. Applicant apologizes for misunderstanding the Examiner's telephonic request of June 28, 2002 concerning the electronic copies of the Table and the sequence listing disk.

Applicant believes this response to be a full and complete response to the the Office Communication. Accordingly, favorable reconsideration in view of this response and immediate issuance of Notice of Allowance of all of the pending claims are earnestly solicited.

Respectfully submitted,



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Date: August 15, 2002

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